

EXHIBIT 5

VESTA CORPORATION,)	
)	
Plaintiff,)	CIVIL ACTION NO. 4:15-CV-00719
)	
V.)	
)	
VESTA MANAGEMENT SERVICES, LLC,)	
)	
Defendant.)	
)	

1. I am over the age of 18, believe in the obligations of an oath, and have personal knowledge of the matters set forth below.

3. I submit this declaration in further support of plaintiff Vesta Corporation's Motion for Summary Judgment and in opposition to Vesta Management Services, LLC's Motion for Summary Judgment.

5. As Executive Vice President, I am responsible for the overall operation and performance of the communities within Vesta Corporation's portfolio. It is my responsibility to ensure that Vesta Corporation's staff delivers an exceptional level of service at its properties, which includes responding to resident concerns. It is also my responsibility to ensure that resources are available to enable the staff to perform their duties effectively.

6. On December 31, 2015, I received an email from Krissa Winningham, with the subject "problems with statement from 3939 Rosemeade in Dallas, TX." A true and

correct copy of the email I received from Krissa Winningham is attached hereto as **Exhibit**

A.

7. Vesta Corporation is not and has never been associated with the property known as 3939 Rosemeade in Dallas, Texas.

8. As of January 8, 2016, Vesta Management's website advertised that it managed and provided a link to the webpage for 3939 Rosemeade in Dallas, Texas. See "Residential Communities" page of Vesta Management Services, LLC's website, www.vesta24-7.com/residential-communities.asp, accessed on January 8, 2016, attached hereto as **Exhibit B.**

9. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 11, 2016



Charles Moran
Executive Vice President
Vesta Corporation

EXHIBIT A

Attorney-Client Communication

From: Chuck Moran
Sent: Thursday, December 31, 2015 2:55 PM
To: 'Winningham, Krissa' <Krissa.Winningham@texasattorneygeneral.gov>
Subject: RE: problems with statement from 3939 Rosemeade in Dallas, TX

Ms. Winningham,

I received your email and unfortunately this is not a property we are affiliated with. Confusion unfortunately exists because a Houston based entity has adopted the "Vesta" name, even though we have the registered rights to the name. The "Vesta" that operates your community is:

Vesta Management Services L.L.C.
675 Bering Drive Suite 730
Houston, TX 77057
(713) 784-6200 Phone
(713) 784-6215 Fax
www.vesta24-7.com

Edward I. Biskind
Partner, Managing Director

Suan Tinsley
Partner, Property Operations

We have no affiliation with this entity and are actively working to rectify this source of confusion.

I am sorry I cannot help and I hope you get your issue resolved.

Chuck Moran

From: Winningham, Krissa [<mailto:Krissa.Winningham@texasattorneygeneral.gov>]
Sent: Thursday, December 31, 2015 2:14 PM
To: Chuck Moran <cmoran@vestacorp.com>
Subject: problems with statement from 3939 Rosemeade in Dallas, TX

Mr. Moran,

I got my bill for January 2016 rent and there were new charges that were surprises. There were no warnings that these changes were about to happen. I've reviewed my TAA lease contract and I don't believe I am required to pay for:

- A \$1.00 Service Fee (from Conserve, the service provider that provides the monthly statements to residents) I've checked to see if I can pay rent online, so I could avoid this fee, but the website for Conserve states the Service Fee is not waived if you pay your rent online. My lease states the only method of payment is at the leasing office.
- A 79 cent Storm Water Drainage fee (from the City of Dallas, TX). Nothing in my lease says I'll have to pay for that, even in the PUC/water addendum attachment. The water is only referred to as water and wastewater. The Conserve bill calls these charges water and sewer charges.
- Two fees for Trash. Trash (Progressive Waste Solutions of TX) for \$7.00, and Trash Admin Fee (Conserve) for \$3.00. We have dumpsters on the apartment property that I have been using for over the last year. I renewed my lease for another year on 10/10/2015. Under the page of my lease 'Summary of Key Information/Signatures and Attachments' there are boxes that are checked if certain things are paid by myself or the property owner. Fees for Returned-check charge is filled in for the amount of \$50.00, but monthly animal rent and monthly pest control are left blank, meaning there are no charges to myself. The blank next to Monthly trash/waste is also blank. Also the check mark boxes next to the list of Attachments: Allocation Addendum were left blank by Trash/recycling, Stormwater/drainage and Service/government fees; however the check mark box by Water was marked in this category. There is a PUC water addendum attached. Water is the only item checked in this category. Also left unchecked under list of Attachments: Allocation Addendum were Electricity, Gas, Central System Costs, and Cable/satellite. In no way would I have to pay for gas, since the stove is electric, not gas powered. And I was told when I signed the first lease that I had to pay for my own Cable and Electricity.

Just because charges appear on my rent bill, it doesn't mean I am required to pay them. This is exactly why there is a lease signed by both parties. It protects the owner of the apartments, but it also protects me, the renter, from excessive and illegal charges that I haven't requested. Just because the apartments got charged a fee by the city or another service provider, it doesn't mean they can automatically send the charges on through to me.

I have tried to talk to the manager, Shondra, about this, but she hasn't returned my call. Today when I called and Maureen, the assistant manager, she told me Shondra won't be back until Monday the 4th. My rent (and water bill) is due on the 2nd, and late on the 3rd. When I spoke to Maureen on the phone, she asked me to hold while she looked up my lease. Then the phone was disconnected. When I called back, I got the answering machine. You wouldn't believe how often that happens. Whenever I have a problem, I seem to get disconnected most of the time.

Also when I went to Conserve's website to see if I needed to discuss these problems with them first, I noticed they had the occupancy of my apartment wrong, at 2. I called to let them know it was only 1, and has always been 1. The customer service rep put me on hold, called and talked to Maureen and

Shondra and they corrected it with her, and she came back on with me to tell me that it was indeed incorrect and has been for about a year. So she will be issuing me a refund on my water bill. There is no one else but me listed on my lease and no one else has ever stayed overnight in my apartment.

If you could please help me out with these overcharges, I would certainly be appreciative. It is hard to discuss problems with management when they obviously do not want to talk about anything they need to fix and they avoid the renter. Avoiding me will certainly not make the problem go away. As I left on the voice mail on the office machine for Maureen, I won't be paying for these charges with my January rent. I won't be paying late fees either since I have brought it to 3 people's attention, and now I'm emailing you. I'm making every effort to resolve this. These unfounded charges total to about \$15.00. I wanted to let you know since they are playing 'pass the buck' at the apartment office.

KRISSA WINNINGHAM, 3939 Rosemeade Pkwy. #3104, Dallas, TX 75287 / 214-317-8715
Krissa.winningham@texasattorneygeneral.org

 Please consider the environment before printing this e-mail

Confidentiality Notice

This electronic message is intended to be used exclusively by the individual or entity to which it is addressed. This message may contain information that is privileged or confidential and thereby exempt and protected from unauthorized disclosure under applicable law. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, be aware that any disclosure, dissemination, distribution or copying of this communication, or the use of its contents, is not authorized and is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete the original message from your e-mail system.

EXHIBIT B

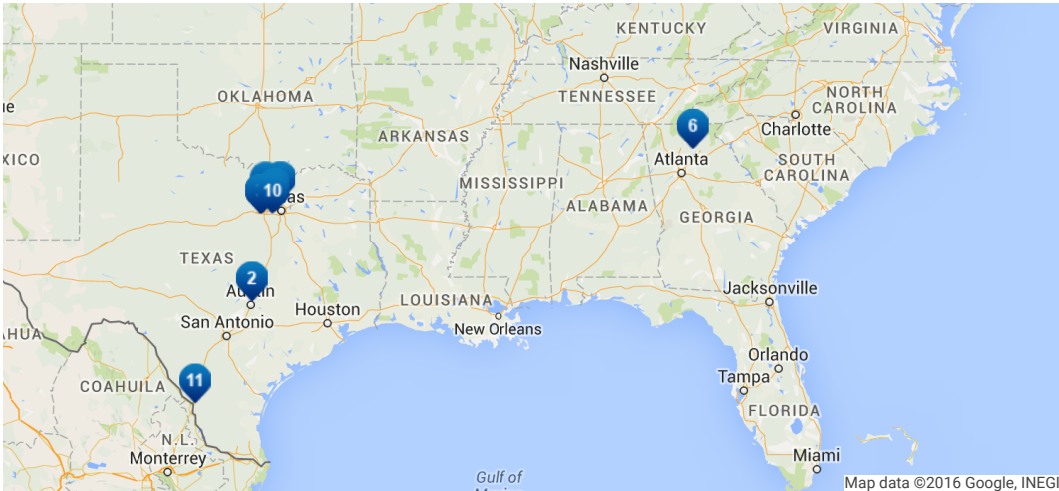
Refine Search

State: Select State ▼

City: Select Metro/City ▼

Bedrooms Bathrooms

--- ▼ --- ▼



Sort Results: ---Name--- ▼



3939 Rosemeade
3939 Rosemeade, Dallas, TX 75287

(972) 306-7424

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

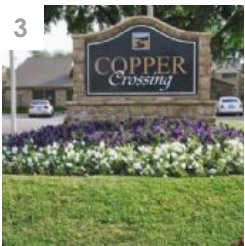


Arbors of Austin
1070 Means Meadow Blvd, Austin, TX 78758

(512) 339-6033

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2



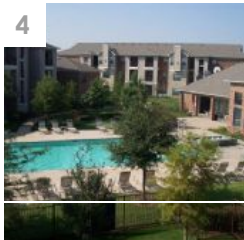
Copper Crossing
5644 Riverwalk Drive, Benbrook, TX 76109

(817) 737-4033

Copper Crossing Apartment Homes in Fort Worth, Texas offers a comfortable and carefree lifestyle. We are conveniently located just minutes away from shopping, dining, entertainment, and the Trinity walking trails. Copper Crossing offers smartly designed one and two bedroom homes and are currently in the process of a multi-million dollar interior renovation. Our newly upgraded apartment homes feature designer paint schemes, crown molding, brushed nickel lighti ...

Bedrooms: 1 - 2
Bathrooms: 1 - 2

4

**Creekside at Northlake**

8299 Small Block Rd., Northlake, TX 76262

(817) 854-0011

Please see property website for details.

Bedrooms: 1
Bathrooms: 1

5

**Cypress Club**

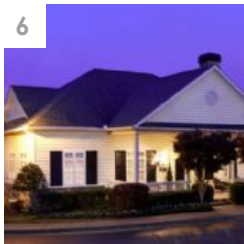
2004 Sherry Dr., Arlington, TX 76010

(817) 265-7067

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

6

**Dawson Forest**

100 Green Forest Dr., Dawsonville, GA 30534

(706) 216-4292

Please see property website for details.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

7

**Derby Park**

606 W. Palace Parkway, Grand Prairie, TX 75050

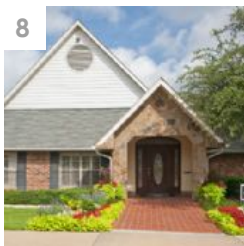
(972) 262-2784

Find incredible luxury and style at Derby Park Apartments in Grand Prairie, Texas. Our country style community is just off of I-30 and Belt Line Road, and within a 1/2 mile of Lone Star Park and Nokia Theatre. We are minutes from the horse track, the Ballpark of Arlington, Six Flags Over Texas and Hurricane Harbor Water Park.

Our one and two bedroom apartments come in several unique floor plans and have unusual designs such as curved walls. All homes have full size ...

Bedrooms: 1 - 2
Bathrooms: 1 - 2

8

**Estrada Oaks**

2115 Estrada Parkway, Irving, TX 75061

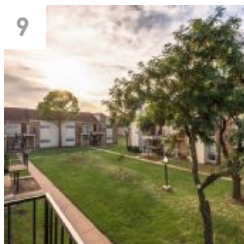
(972) 871-1167

At Estrada Oaks, we offer more than apartment living, we offer a convenience for living life. Centrally located in Irving, Texas, you'll have easy access to major highways and thoroughfares, as well as fine shopping and exquisite dining. If you don't feel like leaving the property, you can enjoy our swimming pool with sun deck, tennis court, business center, fitness center, multiple courtyards, or picnic area.

Our one and two bedroom homes feature two-inch wo ...

Bedrooms: 1 - 2
Bathrooms: 1 - 2

9

**Fountaingate**

5210 Tower Dr, Wichita Falls, Tx 76310

(940) 691-0931

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

10

**Hunter's Cove**

3056 Commodore Dr., Grand Prairie, TX 75052

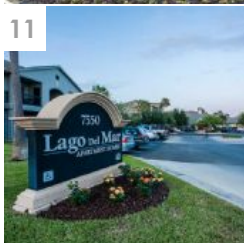
(972) 988-1616

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

11

**Lago Del Mar Apartments, I**

7550 Country Club Dr., Laredo, TX 78041

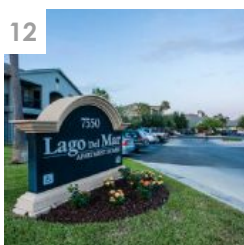
(956) 753-6800

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

12

**Lago Del Mar Apartments, II**

7550 Country Club Dr., Laredo, TX 78041

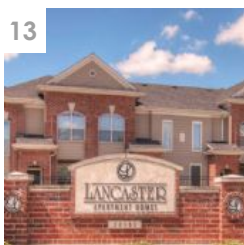
(956) 753-6800

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

13

**Lancaster**

20100 Park Row, Katy, TX 77449

(281) 829-2227

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

14

**Las Casitas Townhomes**

1369 N Hampton, DeSoto, TX 75115

(972) 223-5300

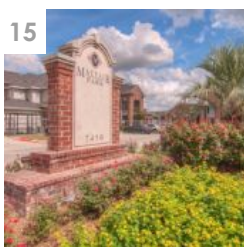
Located in the beautiful DeSoto, Texas, Las Casitas Apartments provide suburban comfort meshed with convenience ... the perfect combination for your busy lifestyle. Choose from one, two, and three-bedroom designs featuring large one-story floor plans as well as bi-level townhomes ranging up to 1,180 square feet!

Conveniently situated to I-35 and I-20, Las Casitas features easy access to the entire Dallas-Fort Worth Metroplex. More importantly, top quality ...

Bedrooms: 1 - 3

Bathrooms: 1 - 2

15

**Mayfair Park**

7450 N. Shepherd, Houston, TX 77091

(713) 695-9600

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

16



Northgate Hills

9024 Northgate, Austin, TX 78758

(512) 834-8717

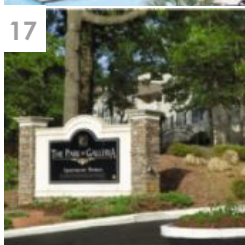
Please see property website for details.

Bedrooms: 1 - 3

Bathrooms: 1 - 2

(205) 987-0667

17



Park at Galleria

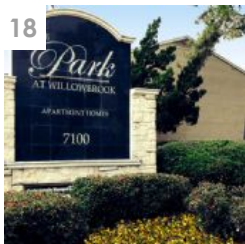
550 Hampton Park Dr., Hoover, AL 35216

Please see property website for details.

Bedrooms: 1 - 3

Bathrooms: 1 - 2

18



Park at Willowbrook

7100 Smilingwood Lane, Houston, TX 77086

(281) 820-4346

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

19



Parkview Place

2111 N. Austin Ave. , Georgetown, TX 78626

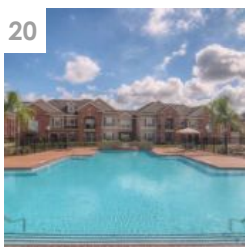
(512) 819-0033

Please see property website for details.

Bedrooms: 1 - 2

Bathrooms: 1 - 2

20



Piedmont

7510 Decker Road, Baytown, TX 77520

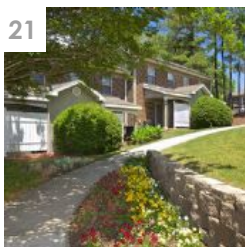
(281) 424-2100

Please see property website for details.

Bedrooms: 1 - 3

Bathrooms: 1 - 2

21



Place at Galleria

One Hampton Place, Birmingham, AL 35216

(205) 823-4999

Please see property website for details.

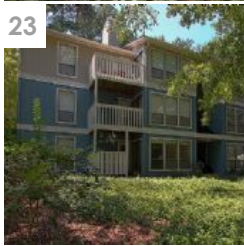
Bedrooms: 1 - 3

Bathrooms: 1 - 2

22



23

**Providence at Champions**

5100 FM 1960 Rd W, Houston, TX 77069

(281) 880-9698

Welcome to Providence at Champions Apartment Homes! With rich, sophisticated exterior treatments and updated refinished interiors, all the amenities you could attend to. You'll be impressed with the variety of spacious and unique floor plans, each with great features, including (in select units) bookcases, fireplaces, washer and dryer connections. We can place washer and dryer in place. Apartments are additional in the building. Our apartment community is nestled amongst the trees near scenic Lake Johnson and is only minutes away from downtown Raleigh, I-40, I-440, Cary Town Center, and NC State.

We are proud to offer modern one and two bedroom homes with open floor plans designed to maximize space and comfort. All of our apartment homes feature custom, built-in bookshelves, spacious closets, wooded views, washer/drye ...

Bedrooms: 0 - 2
Bathrooms: 1 - 2

Bedrooms: 1 - 2
Bathrooms: 1 - 2

24

**Renaissance at Galleria**

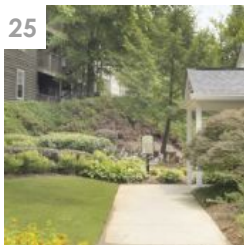
3800 Galleria Woods Drive, Hoover, AL 35244

(205) 987-9555

Please see property website for details.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

25

**Rosemont Cityview**

1650 Barnes Mill Road, Marietta, GA 30062

(770) 423-0271

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

26

**Sedona Springs**

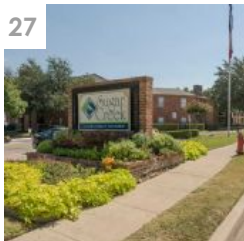
1516 Arbor Town Circle, Arlington, TX 76011

(817) 265-4142

Please see property website for details.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

27

**Sugar Creek**

950 Duncan Perry Road, Grand Prairie, TX 75050

(972) 660-3017

Live the life you've dreamed of! Design your own apartment home by picking some of our upgrade options and embrace the surrounding area! Sugar Creek Apartments offers versatility in a comfortable and relaxed lifestyle. If you love hanging out in Dallas or like meeting friends in Ft Worth we are perfectly located for access to both metropolitan areas. Our location offers exciting night life, incredible shopping and we are minutes away from Arlington, The Hear ...

Bedrooms: 1 - 2
Bathrooms: 1 - 2

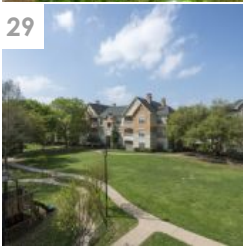
28

**Sutter Creek**

2216 Plum Lane, Arlington, TX 76010

(817) 265-2073

29



Please see property website for details.

Sweetwater at Buckingham

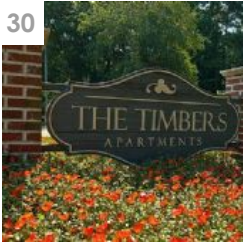
540 Buckingham Rd. , Richardson, TX 75081

(972) 470-3000Bedrooms: 1 - 2
2

Please see property website for details.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

30

**The Timbers**

5900 Timbercreek Lane, Raleigh, NC 27612

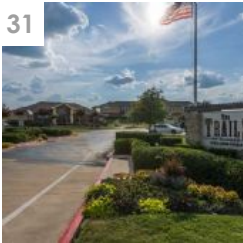
(919) 781-1505

Welcome to The Timbers Apartment Homes in Raleigh, North Carolina, where you will find a convenient location at affordable prices. We are located close to Crabtree Valley Mall and the beltline, so you will only be minutes away from all that Raleigh has to offer.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

Our one and two bedroom apartment homes feature huge closets, bay windows, a patio or balcony and more. With our community amenities, you can live an active life without breaking the bank. Our a ...

31

**The Trails of Sanger**

11501 Marion Rd, Sanger, TX 76266

(940) 458-0027

Welcome to The Trails Apartments, a hidden paradise in Sanger, Texas! We are nestled near Lake Ray Roberts off of I-35 near Denton, Gainesville and minutes from Winstar Casino in Thackerville, Oklahoma. Residents enjoy being conveniently l ...

Bedrooms: 1 - 3
Bathrooms: 1 - 2

32

**The Trestles**

3008 Calvary Drive, Raleigh, NC 27604

(919) 876-6011

Welcome to The Trestles Apartment Homes in Raleigh, North Carolina, where you will find sensible homes in a convenient location. Close to the city but tucked away from the busy traffic, The Trestles is right around the corner from shopping, dining, entertainment and employment. We are close to I-440 and I-540 and within walking distance of public transportation which will ease your morning commute.

Bedrooms: 1 - 2
Bathrooms: 1 - 2

Our one and two bedroom apartment homes feature firepla ...

33

**Westview Apartments**

201 W. Southwest Pkwy, Lewisville, TX 75067

(972) 436-7443

Please see property website for details.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

34

**Westwood Townhomes**

603 W. Center Street, Duncanville, TX 75116

(972) 296-2936

Located in peaceful Duncanville, Texas, close to schools and scenic parks, Westwood Townhomes offers spacious living amidst picturesque, well-maintained grounds and green spaces, complimented with pleasing architecture.

This tranquil community blends an exceptional apartment and townhome lifestyle with top-tier features and amenities, resulting in the ideal new home for you and your family.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

35



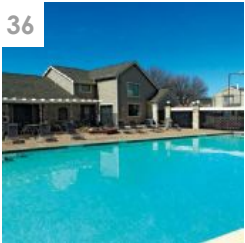
So when you're searching for the best apartments Dallas ...
Windsong Apartments
1110 E. Wintergreen Road, DeSoto, TX 75115

(972) 224-3548

Immerse yourself in the extraordinary beauty, unparalleled service, and impressive value you'll find at Windsong Place. Enjoy the convenience of apartment home living with all the features of a custom home. Relax at our two sparkling swimming pools surrounded by manicured lush landscaping. Treat yourself to any of our great one- or two-bedroom floor plans. Let cozy, wood-burning fireplaces, private patios/balconies, and spacious walk-in closets create the retreat you're ...

Bedrooms: 1 - 2
Bathrooms: 1 - 2

36



Windsprint Apartments
2305 Windspring Way, Arlington, TX 76014

(817) 261-6000

Please see property website for details.

Bedrooms: 1 - 3
Bathrooms: 1 - 2

675 Bering Drive Suite 730
Houston, TX 77057

(713) 784-6200

(713) 784-6215

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